

STRAZULO FITZGERALD LLP
275 BATTERY ST., SUITE 200
SAN FRANCISCO CALIFORNIA 94111
TEL. 415.394.9500 FAX. 415.394.9501

Nancy L. McCoy (SBN 184983)
Cortney L. McDevitt (SBN 241879)
STRAZULO FITZGERALD, LLP
275 Battery Street, Suite 200
San Francisco, California 94111
Telephone: (415) 394-9500
Facsimile: (415) 934-9501

Attorneys for Defendants
See Signature Page

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HARRIS L. WINNS,

Plaintiff,

v.

BLAKELY SOKOLOFF TAYLOR &
ZAFMAN, LLP, ANTHONY INTIL, CANDY
MIELKE, JIM SALTER, MICHAEL MALLIE,
JOHN P WARD, ED TAYLOR, DAN DEVOS,
DIANE ROBSON, LESTER VINCENT STEVE
ZELMAN, DAVE MONTOYA, KAREN
WILSON, TAREK FAHMI, LAURA E. INNES,
RONALD F. GARRITY, CHARLES WALL

Defendants.

CASE NO.: C08 02622 JW

**DECLARATION OF NANCY L. MCCOY
IN SUPPORT OF DEFENDANTS'
SPECIAL MOTION TO STRIKE
PURSUANT TO CALIFORNIA CIVIL
PROCEDURE CODE §425.16**

[Rule 12(b)(6) Motion to Dismiss Filed
Concurrently Herewith]

Date: September 15, 2008
Time: 9:00 am
Dept.: Courtroom 8, 4th Floor
Judge: James Ware

I, Nancy L. McCoy, declare as follows:

1. I am an attorney at law, duly licensed to practice before all the Courts of the State of California. I am a Partner with the law firm of Strazulo Fitzgerald LLP, counsel of record for Defendants Blakely, Sokoloff, Taylor & Zafman, LLP, Anthony Intil, Candy Mielke, Michael Mallie, John P. Ward, Ed Taylor, Dan Devos, Diane Robson, Lester Vincent, Jim Salter, Dave Montoya, Tarek Fahmi, Steve Zelman, and Karen Wilson, on whose behalf I make this declaration. If called as a witness, I could and would competently testify to the following facts, all of which are within my own personal knowledge.

2. This Special Motion to Strike will be filed on August 6, 2008, which is well within the requirement of Code of Civil Procedure §425.16(f) that the special motion may be filed within 60 days of the service of the complaint.

3. The special motion will be served by electronic service on August 6, 2008. The hearing on this motion to dismiss was set by the clerk of the court for a hearing more than 30 days after the service of the motion, as the docket condition of the court required a later hearing. The clerk of the court assigned a date that was the first available for the court's docket.

4. On March 20, 2008, Harris Winns, Plaintiff appearing in pro per, requested all communications be directed to him in writing, via U.S. Mail. A true and correct copy of Plaintiff's correspondence dated March 20, 2008 is attached hereto as Exhibit A.

5. I attempted to meet and confer with Plaintiff, regarding the date of the hearing on this motion. Per Plaintiff's request, meet and confer efforts were made in writing and delivered via U.S. Mail. A true and correct copy of this meet and confer correspondence is attached hereto as Exhibit B.

6. As of the date of the filing of this motion, I had not received a response from Plaintiff.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on the 5th day of August 2008 at San Francisco, California.

Nancy L. McCoy

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